

Appl. No. : 10/621,740
Filed : July 17, 2003

REMARKS

This is in response to the Office Action mailed October 3, 2007. Claims 1-5 and 16 remain pending.

As a preliminary matter, relative to the language “at least one door shock mounted in a horizontal plane” in Claim 1, the Examiner noted that any object mounted Yokoto’s cabinet is mounted in a horizontal and vertical plane. While Applicant asserts this ignores the inherent configuration of Yokoto (wherein the hydraulic cylinders clearly lie in a vertical plane and horizontal planes merely *intersect* the cylinders - which configuration could only be changed by placing Yokoto’s machine in a non-intended, non-disclosed and inoperable position in which the machine is located on its side), Applicant has amended Claim 1 in an attempt to clarify this language.

By the Office Action, the Examiner indicated the rejection of Claims 1-5 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Yokoto (USPN 6,962,528) in view of Mattice (USPN 6,454,649) in view of Alonso (US 6,640,387). The Examiner asserts that Yokoto discloses a gaming machine having a main door with hydraulic cylinders, but acknowledges that Yokoto’s door opens vertically (i.e. about a horizontal axis). The Examiner asserts that a gaming machine door which opens horizontally (i.e. about a vertical axis) is well known, as disclosed in Mattice, and further that Alonso discloses the use of a door shock. The Examiner thus asserts it would be obvious to modify Yokoto in view of Mattice and Alonso to provide a gaming machine that provides a door that opens by rotating about a vertical axis, wherein a door shock damping mechanism is mounted on the door and the interior of the gaming cabinet.

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Applicant disagrees and asserts that the Examiner's proposed combination does not comport with the legal standards for establishing obviousness. In order to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the [base] reference. Second, there must be a reasonable expectation of success. Finally, the combination must teach or suggest all of the claim limitations.

Relative to the first criteria, the Court of Appeals for the Federal Circuit has cautioned against the selection of prior art using hindsight, where the art is selected based upon the solution rather than the problem to be solved. Monarch Knitting Machinery Corp. v. Fukuhara Indus. & Trading Co., 139 F.3d. 1009 (Fed. Cir. 1998). As detailed in Applicant's previous response and as admitted by the Examiner in the Office Action, Yokoto discloses a machine having a vertically rotating main door where hydraulic cylinders are used to aid the user in lifting the main door ("due to the extending force of hydraulic cylinders 24, 24, the administrator etc is able to open main door 20 without exerting much force", Yokoto at col. 4, lines 7-10.). Further, Yokoto specifically discloses that the crux of the disclosed invention is the vertical opening door coupled with a front door releasably located below the main door to provide a wide working or access space to the interior of the machine. In fact, Yokoto discloses that the purpose of the invention is to overcome the shortcomings of the "conventional gaming device" where "the front door was affixed by a hinge." (See Yokoto at col. 1, lines 10-25). To overcome the alleged shortcomings of the prior art configuration, Yokoto discloses an arrangement where a main door opens vertically (instead of horizontally) and where, once the main door is open, a front door can be opened (without a key) downward, to provide a "wide working space." The Examiner's suggestion to modify Yokoto to have a horizontally opening door is thus

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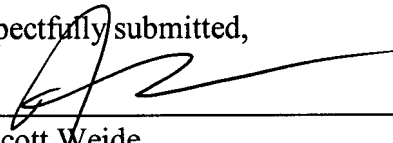
contrary to the very point of Yokoto's invention (A reference may in fact teach away from a particular combination, In re Baird, 16 F.3d 380 (Fed. Cir. 1994)).

Moreover, there is nothing in the cited prior art to suggest the need for a damping shock for a gaming machine door. As indicated, Yokoto discloses the use of a hydraulic shock for use in aiding a user to lift or raise the door. Nothing in Yokoto discloses or suggests the need to dampen a closing force. Mattice does not disclose or suggest such a need or feature either. Lastly, while Alonso discloses a door damper, nothing suggests the need to modify Yokoto to include such a damper. As indicated, Yokoto's door configuration and hydraulic cylinders admit of the need only to provide a supplemental force in raising the door. Combining Alonso with Yokoto is thus completely contrary to the teaching of the base reference, Yokoto.

Applicant asserts that the foregoing makes clear that the Examiner has worked backwards from the solution, simply picking and choosing among various references disclosing individual features of the invention, but the references and their features not otherwise having not relationship to one another as is required to properly combine the references. For these reasons, Applicant asserts that Claims 1-5 and 16 are in a condition for allowance.

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If any matters remain outstanding, the Examiner is invited to contact the undersigned by telephone.

Respectfully submitted,
Dated: October 30, 2007 By: 
R. Scott Weide
Registration No. 37,755
Weide & Miller, Ltd.
Bank of Nevada Building, 5th Floor
7251 West Lake Mead Blvd., Suite 530
Las Vegas, NV 89128
(702) 382-4804 (Pacific time)